

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

ROBERT TREVINO,

Plaintiff,

v.

WHITTEN, et al.,

Defendants.

CASE NO. 1:05-CV-00466-OWW-SMS-P

ORDER FINDING SERVICE OF COMPLAINT  
APPROPRIATE, AND FORWARDING  
SUMMONSES AND USM-285 FORMS TO  
PLAINTIFF FOR COMPLETION AND  
RETURN

(Doc. 1)

Plaintiff Robert Trevino ("plaintiff") is a state prisoner proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff filed this action on April 11, 2005. The court has screened plaintiff's complaint pursuant to 28 U.S.C. § 1915A and finds that it appears to state cognizable claims for relief under 42 U.S.C. § 1983 against defendants Thomas and Curtis for violating plaintiff's right of access to the courts.<sup>1</sup> Accordingly, it is HEREBY ORDERED that:

1. Service is appropriate for the following defendants:

THOMAS, LAW LIBRARIAN

SGT. CURTIS

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<sup>1</sup> In a Findings and Recommendations issued concurrently with this order, the court recommended that plaintiff's due process/access to the courts claim(s) based on the handling of his inmate appeals and equal protection claim be dismissed for failure to state a claim upon which relief may be granted, and defendants Whitten, Cooper, and Moreno be dismissed from this action based on plaintiff's failure to state any claims upon which relief may be granted against them.

2. The Clerk of the Court shall send plaintiff two (2) USM-285 forms, two (2) summonses, a Notice of Submission of Documents form, an instruction sheet and a copy of the complaint filed April 11, 2005.
3. Within **thirty (30) days** from the date of this order, plaintiff shall complete the attached Notice of Submission of Documents and submit the completed Notice to the court with the following documents:
  - a. Completed summons;
  - b. One completed USM-285 form for each defendant listed above; and
  - c. Three (3) copies of the endorsed complaint filed April 11, 2005.
4. Plaintiff need not attempt service on defendants and need not request waiver of service. Upon receipt of the above-described documents, the court will direct the United States Marshal to serve the above-named defendants pursuant to Federal Rule of Civil Procedure 4 without payment of costs.
5. The failure to comply with this order will result in a recommendation that this action be dismissed.

IT IS SO ORDERED.

**Dated: October 17, 2005**  
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/s/ Sandra M. Snyder  
UNITED STATES MAGISTRATE JUDGE